

Senate File 200 - Introduced

SENATE FILE 200
BY KAPUCIAN

A BILL FOR

1 An Act relating to farm tenancies of less than forty acres by
2 providing procedures for termination.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 562.6, Code 2013, is amended to read as
2 follows:

3 **562.6 Agreement for termination.**

4 If an agreement is made fixing the time of the termination
5 of a tenancy, whether in writing or not, the tenancy shall
6 terminate at the time agreed upon, without notice. Except
7 for a farm tenant who is a mere cropper, a farm tenancy with
8 ~~an acreage of forty acres or more~~ shall continue beyond the
9 agreed term for the following crop year and otherwise upon
10 the same terms and conditions as the original lease unless
11 written notice for termination is served upon either party or
12 a successor of the party in the manner provided in section
13 562.7, whereupon the farm tenancy shall terminate March 1
14 following. However, the tenancy shall not continue because of
15 an absence of notice if there is default in the performance of
16 the existing rental agreement.

17 EXPLANATION

18 BACKGROUND. Code chapter 562, and specifically Code
19 sections 562.6 and 562.7, provides procedures for terminating a
20 lease involving a farm tenancy. For example, there must be a
21 fixed amount of time between a notice of termination and the
22 actual termination date. Written notice must be given by the
23 first day of September to terminate the lease for the following
24 crop year. The lease then terminates on the first day of
25 March. If there is no timely notice of the termination or the
26 notice does not otherwise satisfy the requirements of the law,
27 the farm tenancy automatically continues under the same terms
28 and conditions of the original lease for the following crop
29 year unless there is a breach in the lease agreement or the
30 parties agree otherwise. These requirements do not apply to a
31 so-called mere cropper (e.g., a person who farms land on a crop
32 share basis) or a person who leases less than 40 acres.

33 BILL — ELIMINATION OF THE EXCEPTION. This bill eliminates
34 the exception applying to a farm tenancy in which the lease
35 is for less than 40 acres. Under the bill, written notice

1 would also have to be given by the first day of September to
2 terminate the lease for the following crop year, and if notice
3 were given, the lease would terminate on the following first
4 day of March.